

## **REMARKS**

This paper is presented in response to the Office Action. By this paper, claims 5 and 13 are canceled, claims 2, 4, 8-12, 14, 15, 18-21 are amended, and new claims 24-26 are added. Claim 1 was previously canceled. Claims 22 and 23 were previously withdrawn. Claims 3, 16 and 17 were withdrawn by the Examiner in the Office Action. Claims 2, 4, 6-12, 14, 15, 18-21 and 24-26 are now pending in the application. Reconsideration of the application is respectfully requested in view of the aforementioned amendments to the claims and the following remarks. For the convenience and reference of the Examiner, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

### **I. General Considerations**

Applicant notes that the remarks and amendments presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited references. Such remarks, or a lack of remarks, and amendments are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicant: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

In addition, the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration, by the Applicant, of additional or alternative distinctions between the claims of the present application and any references cited by the Examiner, and/or the merits of additional or alternative arguments.

### **II. Claim Rejections under 35 U.S.C. § 102**

Applicant respectfully notes that a claim is anticipated under 35 U.S.C. § 102(b) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Further, the identical invention must be shown in as complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. *Manual of Patent Examining Procedure ("MPEP") § 2131.*

The Examiner has rejected claims 2, 5-9, 12-14 and 21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,198,857 to Grasis et al. ("*Grasis*"). In light of the cancellation of claims 5 and 13 herein, Applicant respectfully submits that the rejection of those claims has been rendered moot and should be withdrawn. With respect to the remained rejected claims, Applicant respectfully disagrees and submits that for at least the reasons set forth below, the rejection has been overcome and should be withdrawn.

Specifically, Applicant notes that each of the rejected independent claims 2, 8, and 14 has been amended herein to recite "the input/drop/add/output fiber including a connector attached to an end of the input/drop/add/output fiber" or "attaching a connector to an end of an input/drop/add/output fiber." Support for these amendments can be found at paragraphs [0020] – [0023] and [0025] and Figure 2. At least because the Examiner has not established that the foregoing limitation, in combination with the other limitations of claims 2, 8, and 14, is disclosed in *Grasis*, Applicant respectfully submits that the rejection of claims 2, 8, and 14, and corresponding dependent claims 6, 7, 9, 12, and 21, should be withdrawn.

#### **IV. Claim Rejections under 35 U.S.C. § 103**

Applicant respectfully notes at the outset that in order to establish a *prima facie* case of obviousness, it is the burden of the Examiner to demonstrate that three criteria are met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; and third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *MPEP* § 2143.

The Examiner has rejected claims 10 and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over *Grasis*. The Examiner has also rejected claims 4, 11 and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Grasis* and further in view of U.S. Patent No. 6,296,400 to Uchiyama et al. ("*Uchiyama*"). Applicant respectfully disagrees and submits that for at least the reasons set forth below, the rejection has been overcome and should be withdrawn.

Claims 4, 10, 11, 15 and 18-20 depend from claims 1, 8 and 14 which, as mentioned previously, have been amended herein. By virtue of their dependence from independent claims 1, 8, and 14, dependent claims 4, 10, 11, 15 and 18-20 each recite "the input/drop/add/output fiber including a connector attached to an end of the input/drop/add/output fiber" or "attaching a connector to an end of an input/drop/add/output fiber." As discussed at II. above however, the Examiner has not established that these limitations, in combination with the other limitations of the rejected claims, is taught or suggested by *Grasis* or *Grasis* in combination with *Uchiyama*. Thus, even if the *Grasis* device is modified by the

alleged teachings of *Uchiyama* in the purportedly obvious fashion advanced by the Examiner, the resulting combination fails to include all the limitations of the claims.

In light of the foregoing, Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness with respect to claims 4, 10, 11, 15 and 18-20, at least because the Examiner has not established that the cited references, alone or in combination, teach or suggest all the limitations of claims 4, 10, 11, 15 and 18-20. Applicant thus respectfully submits that the rejection of claims 4, 10, 11, 15 and 18-20 should be withdrawn.

**V. Request for Examiner Affidavit**

In connection with the foregoing, Applicant notes that it appears that the Examiner is relying on personal knowledge as a basis for rejecting claims 2, 4-15 and 18-21.

With regard to claims 2, 5-9, 12-14 and 21, the Examiner has alleged that "It is noted that the input fiber 118, add fiber 128, output fiber 142, and drop fiber 124 [of *Grasis*] are respectively coupled to the casing 116 [of *Grasis*] via ports 120, 129, 142 and 126 [of *Grasis*]. Because *Grasis* does not teach otherwise, the said fibers must inherently be coupled to the casing 116 in a permanent manner." *Office Action, page 4.*

With regard to claims 10 and 20, the Examiner has alleged that:

"...the claimed invention has been disclosed and previously discussed except for the various fibers to be *detachably* coupled to their respective ports. As was discussed above, said fibers must inherently be permanently coupled to the to their respective ports, as *Grassis* does not teach a removable connection. However, it would have been very obvious at the time of the invention to one of ordinary skill in the art to ensure said connections were detachable, or removable (i.e. using optical connectors) in order to facilitate the replacement of a faulty fiber without disassembling the add/drop patch cord."

*Office Action, page 5.*

With regard to claims 18 and 19, the Examiner has alleged that:

"...the claimed invention has been disclosed and previously discussed above except for the thin films to be formed from vapor deposition or a film growth process...Vapor deposition and film growth processes are both extremely well known, effective methods for forming such filter layers. Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art to form the thin film layers of *Grassis* from vapor deposition or a film growth process in order to form effective, reliable filter films."

*Office Action, page 5.*

As to claims 14, 11 and 15, the Examiner has alleged that “Optical fiber ferrules are commonly used in order to support the tips of optical fibers in coupling arrangements, such as those of Grassis.”

Notwithstanding the aforementioned allegations made by the Examiner in connection with the rejections of claims 2, 4-15 and 18-21, the Examiner has not identified any references or other materials that support these allegations. In view of the foregoing, and pursuant to 37 C.F.R. 1.104(d)(2), Applicant hereby respectfully requests an Examiner affidavit that: (i) specifically identifies any and all reference(s), other than those that have been specifically cited by the Examiner, upon which the rejection of claims 2, 4-15 and 18-21 is based; and (ii) provides complete details concerning the reasoning and analysis of the Examiner concerning those references as those references are purported to apply to the rejection of claims 2, 4-15 and 18-21.

**VI. New Claims 24-26**

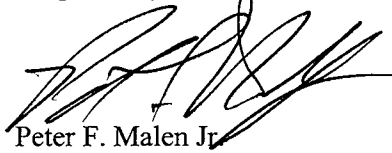
By this paper, Applicant has added new dependent claims 24-26. Support for these claims can be found at paragraph [0022] and Figure 2. Inasmuch as claims 24-26 depend from claims 1, 8 and 14, which are each believed to be in allowable condition for at least the reasons set forth herein, Applicant respectfully submits that claims 24-26 are in allowable condition.

### **CONCLUSION**

In view of the remarks submitted herein, Applicant respectfully submits that each of the pending claims 2, 4, 6-12, 14, 15, 18-21 and 24-26 in this application is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 6<sup>TH</sup> day of July, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter F. Malen Jr.', is written over the typed name.

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